

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALEX HOLMES, et al.,

Plaintiffs,

-against-

ORDER

CHET MINING CO, LLC, et al.,

Case No.: 1:20-cv-04448-LJL

Defendants.

NOW, upon reading and filing of the Plaintiffs' Notice of Motion for Contempt with the accompanying affirmation of John F. Harwick, Esq., sworn to the 12th day of January, 2022 with exhibits thereto and the Memorandum of Law (Dkt #62) and the further Affirmation of John F. Harwick (Dkt #73) sworn to on the 1st day of April, 2022 with exhibits thereto, in support of Plaintiff's motion seeking an Order to hold Chet Stojanovich in contempt pursuant Federal Rule of Civil Procedure 45(g) and SDNY Local Rule 83.6 and with proof of due service thereof on Chet Stojanovich, with no opposition having been filed by Chet Stojanovich and upon all the pleadings and proceedings heretofore had herein, and the Court having held a telephone conference on the record with counsel and Chet Stojanovich present on February 14, 2022, with a further on the record conference held on March 25, 2022 and the Court having held a hearing on the record on April 11, 2022 with John F. Harwick, Esq., counsel for Plaintiffs personally present and Chet Stojanovich appearing via telephone with respect to said motion for contempt; it is hereby

ORDERED, ADJUDGED and DECREED that for the reasons placed on the record on April 11, 2022 and pursuant to Federal Rule of Civil Procedure 45(g) and SDNY Local Rule 83.6 Plaintiffs' motion to hold Chet Stojanovich in Civil Contempt is hereby **GRANTED** and the Court hereby holds Chet Stojanovich in Civil Contempt of Court, and it is further

ORDERED, ADJUDGED and DECREED that Chet Stojanovich is hereby fined \$1,000.00 per day, with said daily fine being payable to the Clerk of the Court immediately upon the execution of this Order, until he complies with this Court's Orders directing his full compliance of Plaintiffs' Article 52 Subpoena and other document and information requests, and it is further,

ORDERED, ADJUDGED and DECREED that Chet Stojanovich is additionally fined \$5,000.00 for his failure to appear in person at the April 11, 2022 contempt hearing, with said fine being payable to the Clerk of the Court by April 18, 2022, and it is further

ORDERED, ADJUDGED and DECREED that Plaintiffs application for attorney's fees for the prosecution of the contempt motion herein is hereby **GRANTED** and counsel's affirmation regarding the amount of those fees shall be filed and served by April 13, 2022 with any opposition being filed by April 20, 2022, and it is further

ORDERED, ADJUDGED and DECREED that the Plaintiffs' motion to hold Chet Stojanovich in criminal contempt is held in abeyance and that counsel for Plaintiffs and Chet Stojanovich are hereby directed to attend a further in person hearing before the Hon. Lewis Liman at the United States Southern District Court, 500 Pearl Street, Courtroom 15C, New York, New York 10007 on the **3rd day of May, 2022 at 3:00 p.m.** at which the Court will consider additional sanctions against Chet Stojanovich, including an order of **CRIMINAL CONTEMPT, ARREST AND IMPROSONMENT**, if he continues to not fully comply with the Plaintiffs' Article 52 Subpoenas, further information requests and this Court's express Orders requiring his full compliance with the same, and it is further

ORDERED, ADJUDGED and DECREED that, per Chet Stojanovich's representation to the Court placed on the record on April 11, 2022, he may be served with is Order via e-mail at admin@phoenixdatas.com or via U.S. Mail at 11320 Route 9, Champlain, New York 12919.

ORDER signed this 13th day of April, 2022.

A handwritten signature in black ink, appearing to read 'L. Liman', is positioned above a horizontal line.

HON. LEWIS J. LIMAN
United States District Judge

ENTERED: